

### **REMARKS**

Claims 38, 40, 41, 50, 51 and 53-57 were pending in this application. Claims 38, 40, 41 and 55 have been amended. Accordingly, claims 38, 40, 41, 50, 51 and 53-57 will be pending upon entry of the present amendment. *No new matter has been added.*

Support for the amendments to claims can be found throughout the specification and claims as filed. *Solely for purposes of expedited prosecution*, claim 38 has been amended to remove methyl as a definition of R<sup>1</sup>; fluorine and chlorine have been removed as possible substituents on the phenyl moiety of R<sup>1</sup>; and C<sub>1-2</sub> alkyl, C<sub>1-2</sub> alkoxy, C<sub>1-2</sub> alkylthio, and C<sub>1-2</sub> haloalkyl have been removed as a possible subsistent of the phenyl, thienyl, cyclohexyl, cyclopentyl or phenyl-(CH<sub>2</sub>)- moieties of R' and R''. Furthermore, claim 40 has been amended to remove C<sub>1-2</sub> alkyl, C<sub>1-2</sub> alkoxy, C<sub>1-2</sub> alkylthio, and C<sub>1-2</sub> haloalkyl as a possible subsistent of the aryl moiety of R'\*. Finally, claims 41 and 55 have been amended to depend from claim 38.

The foregoing claim amendments have been made solely for the purpose of expediting prosecution of the present application and should in no way be construed as acquiescence to any of the Examiner's rejections in this or in any other Office Action issued in the present application. Applicant reserves the right to pursue the subject matter of the present claims prior to being amended herein in this application or in another related application.

#### ***Claim Rejections - 35 USC § 102 (Brock et al.)***

According to the Office Action, claims 38, 40, 50 and 57 are rejected under 35 USC § 102(b) as being anticipated by Brock *et al.* (Journal of Medicinal Chemistry (1993), 36, 26, 4276-92).

Brock *et al.* disclose benzodiazepine derivatives with a phenyl moiety at the 5-position substituted with fluoro, and a phenyl moiety substituted with methyl on the urea (*i.e.*, -N(H)C(O)N(H)-Ph-CH<sub>3</sub>). For purposes of expedited prosecution, claim 38 has been amended to remove fluorine as a possible substituent on the phenyl moiety of R<sup>1</sup>; and C<sub>1-2</sub> alkyl has been removed as a possible subsistent of the phenyl moiety of R' and R''. Claim 40 has been amended for purposes of expedited prosecution to remove C<sub>1-2</sub> alkyl as a possible subsistent of the aryl moiety of R'\*. (As discussed above, these claims have been amended to remove additional definitions of these variables in order to expedite prosecution). As such, Brock *et al.* do not teach the compounds of the instant claims.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection of claims 38, 40, 50 and 57.

***Claim Rejections - 35 USC. § 102 (Haradahira et al.)***

According to the Office Action, claims 38, 40 and 57 are rejected under 35 USC § 102(b) as being anticipated by Haradahira *et al.* (Nuclear Medicine and Biology (1998), 25(3), 203-208). Haradahira *et al.* disclose a benzodiazepine derivative with a phenyl moiety substituted with methyl on the urea. As discussed above, claim 38 has been amended to remove C<sub>1-2</sub> alkyl as a possible subsistent of the phenyl moiety of R' and R'', and claim 40 has been amended to remove C<sub>1-2</sub> alkyl as a possible subsistent of the aryl moiety of R'\*. As such, Haradahira *et al.* do not teach the compounds of the instant claims.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection of claims 38, 40 and 57.

**CONCLUSION**

In view of the foregoing, entry of the amendments and remarks herein, reconsideration and withdrawal of all rejections, and allowance of the instant application with all pending claims are respectfully solicited. If a telephone conversation with Applicant's attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicant's attorney at (617) 227-7400.

If any additional fees are due, please charge our Deposit Account No. 12-0080, under Order No. NV2-023USRCE, from which the undersigned is authorized to draw.

Dated: February 6, 2009

Respectfully submitted,

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